

### **REMARKS**

Claims 1-10 and 13-26 are pending in the application. Claims 20, 23 and 24 have been allowed.

With this Amendment, claims 1, 25 and 26 have been amended in order to further define the invention. More specifically, the lateral wall is defined as being in contact with the peripheral wall along the entire length of the lateral wall as clearly illustrated in Figs. 2a, 2b, 3 and 4. The specification has also been amended to describe this feature. As the original drawings clearly show the indicated features, no new matter has been added. The Amendment is in response to the Examiner's argument that it was previously not defined in Applicants' claims that the limitation was present and the Examiner does not consider that "the lateral wall being fitted at the inner side of the peripheral wall" meets said limitation.

Claims 1-8, 16-18, 25 and 26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Baumann (U.S. Patent No. 2,904,182) and Verlinden (U.S. Patent No. 3,952,904) and Wagner (U.S. Patent No. 1,371,530) or Schlensker (WO 02/38247). Claims 9-10 and 19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Baumann '182 and Verlinden '904 and Wagner '530 or Schlensker '247 and further in view of Stifano, U.S. Patent No. 4,109,820.

It is respectfully submitted that the indicated combination of references does not render obvious independent claims 1, 25 and 26. Independent claims 1, 25 and 26 claim that the lateral wall is fitted at the inner side of the peripheral wall and the lateral wall is in contact with the peripheral wall along the entire length of the lateral wall. The scope and content of Baumann does not disclose this limitation. As illustrated in Fig. 2 of Baumann, bowl 30 includes a short upper wall section, see bottom of Fig. 2, and a very long lower wall section, the lower part thereof are not being fitted at nor contacting the peripheral wall of the housing 1. Applicants' specifically claimed feature, as explained on page 4 of the specification, allows the force component to press the common wall section against the peripheral wall of the cartridge container. Baumann instead, teaches using an O- or sealing ring to reportedly provide a liquid tight seal around bowl 30, see Col. 3, lines 46-48. In view of Baumann, one of ordinary skill in the art would not be led in the direction taken by the Applicants.

As further admitted by the Examiner on page 3 of the Office Action, Baumann does not teach a glue or a weld connecting at least one section of the common wall section to the peripheral wall, nor a curved edge section of the lid merging into a horizontal lid bottom middle section.

The Verlinden reference discloses a beer barrel having an end part 3 that comprises a generally bowl-shaped end wall portion 13a which forms the lower end wall of the barrel, see Col. 3, lines 22-24. The scope and content of Verlinden lacks the claimed essentially horizontal lid bottom middle section.

The Examiner cites the Wagner and Schlensker references and states they each teach a lid having a curved edge section merging into an essentially horizontal lid bottom middle section in Figures 1 of each reference, respectively.

However, Wagner teaches as illustrated in Fig. 4 that the lateral wall 3 is not in contact with the peripheral wall along the entire length of the lateral wall. Further, Wagner lacks scope and content wherein a lower end of the common wall section is parallel to the cartridge container peripheral wall adjacent thereto. Wagner also lacks glue or a weld connecting at least one section of the common wall section to the peripheral wall.

Independent claims 1, 25 and 26 claim that the lateral wall has a linear vertical cross section along the entire length of the lateral wall. Schlensker's Fig. 1 includes a lateral wall, adjacent container peripheral wall 20, that clearly does not have a linear vertical cross section along the entire length of the lateral wall. Schlensker teaches a stepped upper wall section shown in the bottom portion of Fig. 1 as well as an angled portion present in the common wall section located upward from the upper wall section shown in Fig. 1.

Claim 1 further states that the lateral wall upper wall section, see 17 in Fig. 2a, is connected to and extends upward from the common wall section 18 that is parallel to the common wall section lower end and the cartridge container peripheral wall adjacent thereto. The Schlensker upper wall section connected to and extending upwardly (downwardly in Fig. 1) from the common wall section clearly includes on its interior surface a stepped section which provides the upper wall section with a stepped appearance. Accordingly, the Schlensker upper wall section cannot be parallel to the

common wall section lower end and is further not parallel to the cartridge container peripheral wall adjacent thereto.

Moreover, as indicated in the previous prosecution, the Examiner has acquiesced that the lateral wall of Schlensker is not linear along its entire length, and has small variations as part of the lateral wall, see page 4 of the Advisory Action, mailed April 7, 2008.

As reiterated by the Supreme Court in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (2007), the basic inquiries regarding the question of obviousness set forth in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966), are determining the scope and content of the prior art, ascertaining the differences between the claimed invention and the prior art, and resolving the level of ordinary skill in the pertinent art. Considering the scope and content of the cited references, it is unclear how a person of ordinary skill in the art would have understood the reference teachings and what such a person would have reasonably been expected to do in view of the scope and content of the references.

It is respectfully submitted that the Examiner has impermissibly used the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. It is respectfully submitted that one of ordinary skill in the art would only arrive at the claimed invention by picking and choosing isolated features from the cited references. Applicants' claimed invention does more than show predictable results as evidenced by the Examiner's citation in various references to represent individual features set forth in Applicants' claims.

Regarding the rejection of claims 9, 10 and 19 further in view of Stifano, the Examiner states that Stifano teaches a cartridge having a lid further comprising a back-up ring.

As indicated in the specification on at least page 6, second full paragraph, by providing a back-up ring, the cartridge lid can be designed with a thinner wall because pressure exerted on the inside of the cartridge lid is practically transmitted through the back-up ring to the lid of the outside container. Since the back-up ring is reusable, but

the lid as well as the filter cartridge must be disposed of later as waste, costs for the lid material can thus be saved. Fig. 3 clearly shows back-up ring 20 arranged on the lid, with the back-up ring having ring opening 27 and outer lateral wall 26 with radial reinforcing ribs 21 connected to and extending therebetween.

None of the cited references teach a back-up ring. Stifano teaches a single lid and not a back-up ring arranged on a lid as claimed. Stifano teaches a lid or closure insert 10 comprising an inverted annular flange 13 and a plurality of support members 14 underlying annular flange 13 and all but the central portion of the face, see Col. 2, line 50 through Col. 3, line 2. It is further defined in Col. 3, lines 29-33, the plurality of support members 14 are preferably integrally formed with the face and flange.

Moreover, Applicants' claimed back-up ring, which is separate and distinct from the claimed lid, is claimed to have an inner wall comprising a ring opening and an outer lateral wall in contact with the lid lateral wall. None of the cited references teach any such structure. Moreover, dependent claim 9 claims that the plurality of radial reinforcing ribs are connected to and extend between the back-up ring inner wall and the back-up ring outer lateral wall. As illustrated in FIG. 4, especially FIG. 5, the Stifano reinforcing ribs do not connect to and extend between both a back-up inner wall and a back-up ring outer wall, but instead extend from the Stifano lid outer wall 22 and end on the underside 21 of the lid, and do not all contact the ring opening 25. One of ordinary skill in the art would not arrive at the claimed invention even if in possession of the cited references.

Regarding claim 10, the Examiner points to Fig. 6 of Stifano regarding Applicants' claimed feature. However, Fig. 6 relates to a container closed by a closure assembly. The Stifano lid has no back-up ring as illustrated therein.

Regarding claim 21, although Stifano includes a connecting tube, there is no separate and distinct back-up ring having an opening through which the connecting tube is accessible, which is specifically claimed in claim 21.

Claims 1-8, 16-18, 25 and 26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Vannoy et al. (U.S. Patent No. 5,830,348) in view of Verlinden (U.S. Patent No. 3,958,904). Claims 9-10, 19 and 21 have been rejected under 35

U.S.C. §103(a) as being unpatentable over Vannoy '348 and Verlinden '904 and further in view of Stifano '820.

It is respectfully submitted that Vannoy and the various combinations of the additionally cited references cannot render the claimed invention obvious. Vannoy cannot provide a scope and content that teaches Applicants' claimed common wall section, which is an essential feature of the invention. The common wall section of the invention belongs to both the curved edge section 14 as well as to lateral wall 16, such as shown in Fig. 2A. As further defined in claim 3, the common wall section is part of the lateral wall and forms a lower wall section 18 of the lateral wall.

In respect to claims 1, 25 and 26, lateral wall 16 is strip-shaped, wherein the lateral wall is fitted at the inner side of the peripheral wall and in contact with a peripheral wall along the entire length of the lateral wall. It is further claimed that the lid bottom merges with the lateral wall in the direction of the peripheral wall along an inward curved edge section, wherein the curved edge section and lateral wall join in a common wall section. As claimed, the common wall section is parallel to the peripheral wall adjacent thereto. To the contrary, the Vannoy common wall cited by the Examiner shows a horizontal connecting section between the curved section and the vertical lateral wall, and does not include a scope and content as disclosed and claimed by the Applicants. Moreover, Vannoy cannot teach the curved edge section merging into an essentially horizontal lid bottom middle section. Furthermore, Vannoy lacks glue or a weld connecting at least one section of the common wall section to the peripheral wall.

The teaches of the Verlinden reference have been described hereinabove and it is unclear how one of ordinary skill in the art would be led to combine the distinct features of the Vannoy reference with those of the Verlinden reference, absent impermissible hindsight.

Regarding the remaining dependent claims, the Examiner has pieced together isolated features from the prior art references using hindsight to impermissibly arrive at Applicants' claimed invention.

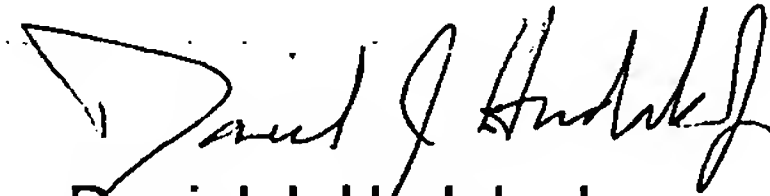
It is respectfully submitted that the Applicants' specifically defined inventions show more than predictable results of the combination of Baumann, Verlinden, Wagner

and Schlensker, and further Stifano; and Vannoy and Verlinden and further in view of Stifano or Gizowski.

Should the Examiner have any questions regarding this response, a telephone call to the undersigned is greatly appreciated.

Respectfully submitted,

HUDAK, SHUNK & FARINE CO. LPA

A handwritten signature in black ink, appearing to read "Daniel J. Hudak, Jr.", written in a cursive style.

Daniel J. Hudak, Jr.  
Registration No. 47,669

DJHjr/js

2020 Front St., Suite 307  
Cuyahoga Falls, OH 44221  
330-535-2220

Attorney Docket No.: FMW-CQ-PCT-US (B1872 US)